

**ORDINANCE NO. 2015-64**

ORDINANCE REZONING PROPERTY FROM R-1 (ONE FAMILY DISTRICT) TO R-2 (ONE AND TWO FAMILY RESIDENTIAL DISTRICT) AND GRANTING A VARIANCE PERMIT TO ALLOW A GROUND FLOOR AREA OF 962 SQUARE FEET, WHERE A MINIMUM GROUND FLOOR AREA OF 1,000 SQUARE FEET IS REQUIRED, CONTRA TO HIALEAH CODE § 98-548. **PROPERTY LOCATED AT 462 EAST 33 STREET, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Planning and Zoning Board at its meeting of September 23, 2015 recommended approval of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

**Section 1:** The below-described property is hereby rezoned from R-1 (One Family District) to R-2 (One-Two Family Residential District) and is hereby granted a variance permit to allow a ground floor area of 962 square feet, where a minimum ground floor area of 1,000 square feet is required, contra to Hialeah Code § 98-548, which provide in pertinent part: "In the R-2 one- and two-family residential district, the total minimum floor area of two-family residences shall be 1,500 square feet, with the minimum ground floor area of two-family residences to be 1,000 square feet, and the total living area of one unit to be not greater than 60 percent of the total living area of the two-family residence. The minimum ground floor area for a one-family residence shall be

1,000 square feet." Property located at 462 East 33 Street, Hialeah, Miami-Dade County, Florida and legally described as follows:

LOTS 2 AND 3, BLOCK 61B OF THE AMENDED PLAT OF THE THIRTEENTH ADDITION TO HIALEAH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 34, AT PAGE 26 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, AND NORTH 1/2 OF THE 12 FOOT ALLEY LYING SOUTH AND ADJACENT THERETO, CLOSED PER ORDINANCE NO. 94-07 (JANUARY 25, 1994).

**Section 2: Repeal of Ordinances in Conflict.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 3: Penalties.** Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

**Section 4: Severability Clause.**

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

**Section 5: Effective Date.**

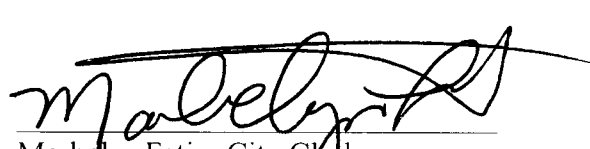
This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

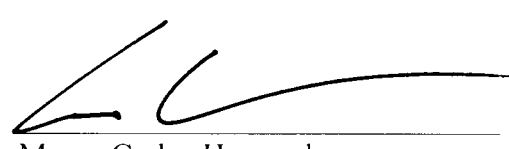
PASSED and ADOPTED this 27 day of OCTOBER, 2015.

  
\_\_\_\_\_  
Isis Garcia-Martinez  
Council President

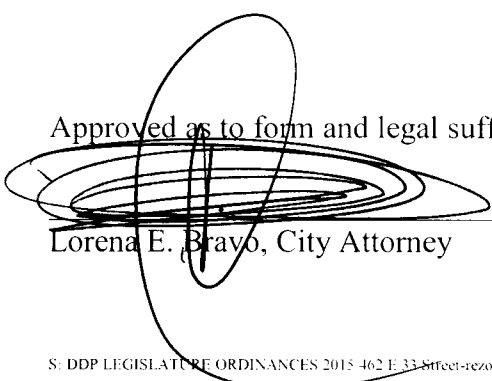
Attest:

Approved on this 3 day of November, 2015.

  
\_\_\_\_\_  
Marbelys Fatjo, City Clerk

  
\_\_\_\_\_  
Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

  
\_\_\_\_\_  
Lorena E. Bravo, City Attorney

DDP

Ordinance was adopted by a (7-0) unanimous vote with Councilmembers, Caragol, Casála-Muñoz, Cue-Fuente, Garcia-Martinez, Gonzalez, Hernandez and Lozano voting "Yes".